

# FAX MESSAGE

RR#10 BRAMPTON      PHONE 905-451-1513  
ONTARIO L6V 3N2      FAX 905-451-8125  
EMAIL advmach@arvotek.net

NO. OF PAGES (INCLUDING COVER) 2  
DATE; Jan 10, 2002

TO; examiner Steven J. Castellano  
Art Unit 3727  
application no. 09/872,914  
filing date 06/01/2001

FAX RECEIVED

JAN 11 2002

FROM; Ferdinand Schermel  
RE; response to office communication dated Dec 5, 2001, date mailed 12/14/2001


GROUP 3700

I hereby elect, without prejudice, I. claims 1-10, drawn to a modular wheeled container system related as product, in response to the restriction under 35 U.S.C.121. I also traverse the restriction for the following reasons:

1. if the product of the handles or handles with hitch are not used, resulting in the containers not secured to each other and used individually as indicated by your example, either as a single unsecured container or non hitched container, then the benefits of the claimed process, that is to increase the effective volume without increasing the effective lifting weight in tilted wheeled container are not realized. The individual containers are not the claimed product.
2. the product's element of the handles and/or hitch when used, will always result in the benefits of the claimed process, that is to increase the effective volume without increasing the effective lifting weight in tilted wheeled containers.
3. the handle is also an integral element of the hitch.
4. the handle and hitch are both essential elements in securing containers specifically for tilted wheeled containers in order to form a single entity.
5. the objects of the invention are a "single trip to the curb" and "to reduce the effective lifting weight for tilted wheeled containers" and require both securing and hitching operations to meet the objectives.
6. the recycle containers weight, when using say newsprint (especially when wet), would be too heavy to lift if the container was the same height as a refuse container, thus requiring an additional container to be secured to the top to increase it's height to permit hitching as well as ergonomically allow tilting and moving of an unhitched, but also dimensionally stable, wheeled container.

I hereby elect, without prejudice, **GROUP A**. Fig 1 as the single disclosed species for prosecution, in response to the requirement under 35 U.S.C.121. Claims 1-21 are readable thereon.

Please confirm receiving this page and the transmittal form in your fax.  
thank you

  
Ferdinand Schermel

Please type a plus sign (+) inside this box → 

PTO/55/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031


U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/872,914
	Filing Date	06/01/2001
	First Named Inventor	F. SCHERMEL
	Group Art Unit	3727
	Examiner Name	SJ. CASTELLANO
Total Number of Pages in This Submission		Attorney Docket Number

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks: _____		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	FERDINAND SCHERMEL
Signature	
Date	

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: _____		
Typed or printed name		
Signature		Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.